

HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,
Plaintiff,

v.

KUNAL BANSAL, an individual, d/b/a
LAVICHEATS.COM,

Defendant.

Case No. 2:21-cv-1111-TL

DECLARATION OF JAMES BARKER IN
SUPPORT OF PLAINTIFF'S *EX PARTE*
MOTION TO FILE UNDER SEAL

NOTE ON MOTION CALENDAR:
February 17, 2023

I, James Barker, declare and state as follows:

1. I am the Deputy General Counsel of Plaintiff Bungie, Inc. I am over 18 years of age. This Declaration is based upon personal knowledge and review of corporate documents and information and if called as a witness, I could and would testify competently thereto.

2. I have supervised Bungie's litigation against anti-cheat circumvention software since 2020. I have attended every deposition, interview, or other proceeding involving Bungie and traffickers in circumvention technology, and have become familiar with Bungie's game security measures, the features common to circumvention products, and the features at issue in the present case against Defendant Kunal Bansal. I am also familiar with Bungie's business model, the initiatives the company is engaged in, and the *Destiny 2* software at a high level, including its "anti-cheat" measures.

3. I have personally reviewed Bungie's Motion for Default Judgment against Bansal,

DECLARATION OF JAMES BARKER
(Case No. 2:21-cv-1111-TL) – 1

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1 along with my own declaration in support of that motion, which contains non-public information
2 about Bungie's game security and anticircumvention features and specific non-public details of
3 how the cheat software sold by Bansal interacted with, and infringed upon, Bungie's *Destiny 2*
4 video game.

5 4. Public disclosure of this information would likely cause Bungie immediate and
6 irreparable harm by exposing Bungie's trade secrets and proprietary security and
7 anticircumvention technology to cheat manufacturers, providing them with a how-to manual for
8 attacking *Destiny 2* and harming Bungie. Disclosing such technical and proprietary information
9 to competitors would also harm Bungie. As such, Bungie respectfully requests that the Court
10 grant the Motion to Seal the discrete portions of my declaration containing that information (as
11 specified in the Motion to Seal).

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct to the best of my knowledge.

14 Executed this 17th day of February, 2023, at Seattle, Washington.

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17 JAMES BARKER
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